

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding To)
Investigate Implementing a)
Decoupling Mechanism for Hawaiian)
Electric Company, Inc., Hawaii)
Electric Light Company, Inc.,)
and Maui Electric Company,)
Limited.)
_____)

DOCKET NO. 2008-0274

HAWAII HOLDINGS, LLC, DOING BUSINESS AS FIRST WIND HAWAII,
MOTION FOR APPROVAL TO AMEND ITS STATUS
AS AN INTERVENOR/PARTY TO A PARTICIPANT

DECLARATION OF D. NOELANI KALIPI

AND

CERTIFICATE OF SERVICE

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PUBLIC UTILITIES
COMMISSION

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TO THE HONORABLE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII:

HAWAII HOLDINGS, LLC, doing business as First Wind Hawaii, a Delaware limited liability company ("First Wind"), by and through its attorneys, Carlsmith Ball LLP, hereby moves the Hawaii Public Utilities Commission of the State of Hawaii (the "Commission") for approval to amend its current status as an intervenor/party to a participant in this proceeding ("Motion"). This Motion is made pursuant to Hawaii Administrative Rules ("HAR") §§ 6-61-41 and 6-61-56, and is supported by the Declaration of D. Noelani Kalipi attached hereto and hereby incorporated herein. Specifically, First Wind is requesting approval that its participation in this proceeding be hereinafter changed to allow First Wind to (1) monitor the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financial or otherwise), as alleged in its Motion to

Intervene, dated November 13, 2008, are adequately protected, and (2) stand on its initial Statement of Position, filed on March 30, 2009, in accordance with the Stipulated Regulatory Schedule approved by the Commission in its Order Approving, With Modifications, Stipulated Procedural Order, filed on December 26, 2008 (the "Order"). Pursuant to HAR § 6-61-41(b), First Wind does not request a hearing on this Motion. In support of its Motion, First Wind states as follows:

1. Brief Background and Reasons for Requested Relief.

By Order Granting Intervention, filed on December 3, 2008, the Commission granted intervenor status to First Wind, which is now a party to this proceeding. As First Wind has previously stated in its prior submissions, First Wind is a Delaware limited liability company engaged, through its affiliates, in the development of wind energy projects using Hawaii's indigenous renewable wind resources to generate electric energy that it sells to Hawaii's electric utilities for ultimate use by the general public. First Wind has developed, and owns and operates, the 30-megawatt ("MW") wind energy project at Kaheawa Pastures, Island of Maui that sells electric energy to Maui Electric Company, Limited ("MECO"), and is currently developing a second 21-MW wind energy project at Kaheawa Pastures, Island of Maui that will also sell electric energy to MECO. First Wind is developing a 30-MW wind energy project on the Island of Oahu that will sell electric energy to Hawaiian Electric Company, Inc. ("HECO"). Finally, First Wind is developing a 200-MW wind energy project on the Island of Molokai that will sell the electric energy to HECO and will deliver that energy to HECO through an inter-island electric energy submarine transmission cable. First Wind is thus a significant participant in the State's electric industry, especially in the development of Hawaii's renewable wind energy resources.

Upon review of the *Joint Proposal on Decoupling and Statement of Position of the HECO Companies and the Consumer Advocate* (the "Joint Proposal"), filed with the Commission on March 30, 2009, the various opening statements of position filed by the parties (including the HECO Companies and the Consumer Advocate), and other documents filed in this proceeding to date, it appears to First Wind that the immediate impacts and implications of the decoupling mechanism, including the Revenue Balance Account and the Revenue Adjustment Mechanism, as set forth in the Joint Proposal, and the manner in which the decoupling mechanism is proposed to be implemented and operated, would at this point likely not affect those aspects of the energy payment arrangements for, and the operations and potential expansion of, First Wind's wind energy projects as First Wind had initially contemplated at the initiation of this proceeding. In particular, First Wind's initial concerns included the potential possibility that decoupling mechanism that would be proposed could lessen the incentive of the HECO Companies to cooperate with independent power producers that sought to develop, own and operate wind energy projects and sell the electric energy generated by such projects to the electric utilities. In the context of the feed-in tariff proposals currently being considered in the Commission's Docket No. 2008-0273, the Competitive Bidding Framework under which the electric utilities must now operate in order to acquire future generation resources, and the statutory mandate under Hawaii law to de"-link" from avoided costs the price paid by electric utilities for energy generated by renewable energy producers, First Wind was concerned that the full interplay of all of these legal requirements, including what could be proposed as the decoupling mechanism, could adversely affect its efforts to develop, on a sound financial and economic basis, its large-scale wind energy projects in Hawaii. On the basis of the what is proposed in the Joint Proposal, it appears that the proposed decoupling mechanism would not create the problems that First Wind had initially contemplated.

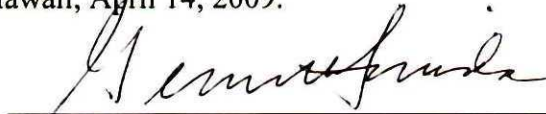
Nevertheless, First Wind strongly believes that its participation in this proceed to the degree allowed by the Commission is critical to ensure that the key policy and design elements of the decoupling mechanism that is ultimately approved and adopted by the Commission in this proceeding do not materially adversely impact First Wind and its affiliates in their development of current and future wind energy projects in the State of Hawaii. In light of the above and upon further review of the final issues set by the Commission in this proceeding, First Wind now desires and seeks Commission approval to amend its status as an intervenor/party to the status of a participant. First Wind states that it has met the requirements for participation without intervention under HAR § 6-61-56 since it has already met the retirements for intervention under HAR § 6-61-55, which First Wind believes carries an ever higher standard and therefore incorporates by reference First Wind's allegations set forth in its Motion to Intervene filed on . November 13, 2008.

As a participant and consistent with its actions to date as a party or intervenor in this proceeding, First Wind will not participate in a manner that would unreasonably broaden the pertinent issues established in this docket or unduly delay the proceeding. Furthermore, First Wind respectfully submits that its request to reduce its status from party or intervenor to participant is consistent with other proceedings. *See, In re Puuwaawaa Waterworks, Inc.*, Docket No. 00-0005, Order No. 19152, filed January 18, 2002 (the Commission approved parties' stipulation to change status from an intervenor to a participant).

2. Conclusion and Summary of Relief Requested.

Based on the foregoing, First Wind respectfully requests that the Commission grant its Motion to amend its current status as an intervenor or party to be a participant in this proceeding, and allow First Wind to continue to participate in this proceeding by: (1) monitoring the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financial or otherwise) are adequately protected, and (2) standing on its initial Statement of Position, filed on March 30, 2009, in accordance with the schedule set forth in the Order.

DATED: Honolulu, Hawaii, April 14, 2009.



GERALD A. SUMIDA
TIM LUI-KWAN
NATHAN C. NELSON

Attorneys for Hawaii Holdings, LLC, Doing
Business as First Wind Hawaii

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DECLARATION OF NOE KALIPI

I, D. NOELANI KALIPI, declare as follows:

1. I am the Director, Government and Community Relations of Hawaii Holdings, LLC, doing business as First Wind Hawaii ("First Wind").

2. I am offering this Declaration in support of First Wind's Motion for Approval to Amend its Status as an Intervenor/Party to a Participant in the instant docket.

3. I have reviewed First Wind's Motion for Approval to Amend its Status as an Intervenor/Party to a Participant, and I hereby declare that the statements and/or representations made therein are true and accurate to the best of my knowledge, information and belief.

I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

Executed April 14, 2009, at Honolulu, Hawaii.


D. NOELANI KALIPI

CERTIFICATE OF SERVICE

I hereby certify that I have this date served copies of the foregoing motion upon the following parties, by causing copies hereof to be hand delivered or electronically transmitted to each such party as follows:

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DATED: Honolulu, Hawaii, April 15, 2009



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